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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/523,042	02/02/2005	Satoshi Matsuura	5077-228/NP	7568

27572 7590 01/11/2007

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EXAMINER	
RAMPURIA, SHARAD K	
ART UNIT	PAPER NUMBER
2617	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/11/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/523,042	MATSUURA ET AL.	
	Examiner	Art Unit	
	Sharad Rampuria	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *02 February 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1 and 2* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1 and 2* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *02 February 2005* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

I. The Art Unit location of this application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Art Unit 2617.

Disposition of the claims

II. The current office-action is in response to the application filed on 02/02/2005.

Accordingly, Claims 1-2 are imminent for further assessment as follows:

Priority

III. Receipt is acknowledged of papers submitted under 35 U.S.C. 1 19(a)-(d), which papers have been placed of record in the file.

Oath/Declaration

IV. The office acknowledges receipt of a properly signed oath/declaration.

Drawings

V. The receipt of drawings filed is accepted by examiner.

Information Disclosure Statement

VI. The Information Disclosure statement (IDS) submitted is in compliance with the provisions of 37 CFR 1.97. Accordingly, the examiner has considered the information disclosure statements.

Claim Rejections - 35 USC § 103

VII. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-2 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Owensby** [US 6647257] in view of **Fan et al.** [US 5959577] *hereinafter* **Owensby** and **Fan** respectively.

As per claim 1, **Owensby** teaches:

An information distribution device (10; Fig.1, Abstract) comprising:

A history managing section (20; Fig.2, Col.11; 31-50) for receiving from a plurality of terminals owned by a user movement histories of the user and use histories of the terminals and storing the received histories in a movement history database; (e.g. subscriber's movement history; 28; Fig.2, Col.16; 58-66, Col.10; 51-56, Col.5; 40-67)

An information receiving section (22; Fig.2) for receiving information provided with conditions including an area condition and a timing condition from an information provider and storing the received information in an information storing section; (e.g. provide the information based on subscriber's location and timing history; Col.17; 43-65)

An information filtering section (25; Fig.2) for filtering the information stored in the information storing section by comparing an action area of the user obtained from the movement histories stored in the movement history database with the area condition, to specify information to be transmitted to the user; (e.g. distribute the information based on subscriber's movement history; Col.16; 58-Col.17; 11) and

An information transmitting section for determining a terminal (12; Fig.1, Col.12; 4-17) among the plurality of terminals that satisfies the timing condition of the information specified by the information filtering section, by referring to the use histories stored in the movement history database, and transmitting the information to the terminal. (e.g. distribute the information based on subscriber's movement history and tailored based on subscriber's profile; Col.16; 58-Col.17; 11).

Owensby doesn't teach expressly, a display-conditioned information. However, **Fan** teaches in an analogous art, that the display-conditioned information [Please refer to 212; Fig.12, Col.6; 64-Col.7; 21]. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify **Owensby** including a display-conditioned information in order to offer an enterprise for distribution of travel information using network.

Claim 2 is the **method** claim corresponding to **apparatus** claim 1 respectively, and rejected under the same rational set forth in connection with the rejection of claim 1 respectively, above.

Conclusion

VIII. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sharad Rampuria whose telephone number is (571) 272-7870. The examiner can normally be reached on M-F. (8:30-5 EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on (571) 272-7495. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://portal.uspto.gov/external/portal/pair. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or *EBC@uspto.gov*.

Sharad Rampuria
Patent Examiner
Art Unit 2617